

1 RAOUL D. KENNEDY (STATE BAR NO. 40892)
2 SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP
3 Four Embarcadero Center, Suite 3800
4 San Francisco, California 94111
5 Telephone: (415) 984-6400
6 Facsimile: (415) 984-2698
7 Email: Raoul.Kennedy@skadden.com

8 JAMES R. CARROLL (ADMITTED *PRO HAC VICE*)
9 DAVID S. CLANCY (ADMITTED *PRO HAC VICE*)
10 CALE P. KEABLE (ADMITTED *PRO HAC VICE*)
11 SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP
12 One Beacon Street, 31st Floor
13 Boston, Massachusetts 02108
14 Telephone: (617) 573-4800
15 Facsimile: (617) 573-4822
16 Email: James.Carroll@skadden.com
17 Email: David.Clancy@skadden.com
18 Email: Cale.Keable@skadden.com

19 Attorneys for Defendants
20 CONSECO, INC. and CONSECO LIFE INSURANCE COMPANY

21
22
23
24
25
26
27
28

13 UNITED STATES DISTRICT COURT
14 FOR THE NORTHERN DISTRICT OF CALIFORNIA
15 SAN FRANCISCO DIVISION

16 CEDRIC BRADY, DR. CHARLES) CASE NO.: 3:08-CV-05746-EMC
17 HOVDEN, MARION HOVDEN, DR.)
18 EUGENE KREPS, DR. JOHN McNAMARA,)
19 DR. HISAJI SAKAI, and JEAN SAKAI,)
20 Individually and On Behalf Of All Others)
21 Similarly Situated,)
22 Plaintiffs,)
23 v.)
24 CONSECO, INC. and CONSECO LIFE)
25 INSURANCE COMPANY,)
26 Defendants.)
27)
28)

1 WHEREAS on December 24, 2008, plaintiffs Cedric Brady, Dr. Charles Hovden,
2 Marion Hovden, Dr. Eugene Kreps, Dr. John McNamara, Dr. Hisaji Sakai, and Jean Sakai (the
3 "Plaintiffs") filed a Complaint against defendants Conseco, Inc. and Conseco Life Insurance
4 Company (the "Defendants," referred to collectively with the Plaintiffs as the "Parties"), in the San
5 Francisco Division of the United States District Court for the Northern District of California (the
6 "Complaint");

7 WHEREAS on January 9, 2009, Plaintiffs served a summons and Complaint on
8 each of the Defendants;

9 WHEREAS on January 29, 2009, the Parties filed with the Court a Stipulation
10 Extending Time To Answer, Move, Or Otherwise Respond To The Complaint (Docket No. 15)
11 requesting that the date by which Defendants must answer, move, or otherwise respond to the
12 Complaint be extended to and including February 20, 2009, and the Court granted such relief by
13 Order dated February 2, 2009 (Docket No. 23);

14 WHEREAS Defendants have requested and Plaintiffs have agreed to further extend
15 the date by which Defendants shall be required to answer, move or otherwise respond to the
16 Complaint to and including March 6, 2009;

17 IT IS THEREFORE STIPULATED AND AGREED, by and between the
18 undersigned, that, subject to this Court's approval, Defendants shall have to and including March 6,
19 2009, within which to answer, move, or otherwise respond to the Complaint.

20 DATED: February 18, 2009 Millstein & Associates

21
22 By: /s/ David J. Millstein
David J. Millstein
Attorneys for Plaintiffs

24 DATED: February 18, 2009 Gilbert Oshinsky LLP

25 By: /s/ August J. Matteis, Jr.
26 August J. Matteis, Jr.
Attorneys for Plaintiffs

1 DATED: February 18, 2009

2 Skadden, Arps, Slate, Meagher & Flom LLP

3 By: /s/ David S. Clancy

4 Raoul D. Kennedy

5 James R. Carroll (Admitted *Pro Hac Vice*)

6 David S. Clancy (Admitted *Pro Hac Vice*)

7 Cale P. Keable (Admitted *Pro Hac Vice*)

8 Attorneys for Defendants

9 Conseco, Inc. and Conseco Life Insurance Company

10 **ATTESTATION PURSUANT TO GENERAL ORDER 45**

11 I, David S. Clancy, am the ECF User whose ID and password are being used to file
12 this Stipulation Extending Time To Answer, Move, Or Otherwise Respond To The Complaint. In
13 compliance with General Order 45.X.B, I hereby attest that concurrence in the filing of this
14 document has been obtained from each of the other signatories. I declare under penalty of perjury
15 under the laws of the United States of America that the foregoing is true and correct.

16 Executed this 18th day of February 2009, at Boston, Massachusetts.

17 By: /s/ David S. Clancy

18 David S. Clancy

19 PURSUANT TO STIPULATION IT IS SO ORDERED,

20 Dated:

21 By: Susan Illston

22 Hon. Susan Illston